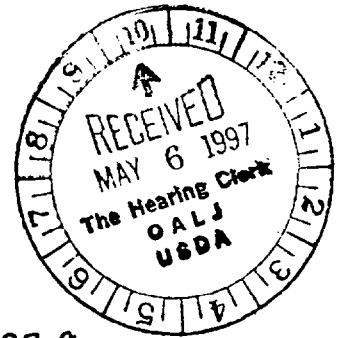


pa  
UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P & S Docket No. D-97-9  
Benita Robinson, )  
Respondent ) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et. seq.) by a complaint filed by the Acting Deputy Administrator, Packers and Stockyards Programs, GIPSA, United States Department of Agriculture, alleging that the respondent willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction over this matter. Respondent neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Benita Robinson, the respondent, is an individual whose business mailing address is P.O. Box 106, Ranburne, Alabama 36273.

2. The respondent is and at all times material herein was:

a. Engaged in the business of buying and selling livestock in commerce for her own account or the account of others, and buying livestock in commerce on a commission basis; and

b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

#### Conclusions

The respondent admitted the jurisdictional facts and the parties agreed to the entry of this decision. Therefore, this decision will be entered.

#### Order

Respondent Benita Robinson, her agents and employees, directly or through any corporate or other device, in connection with her activities subject to the Packers and Stockyards Act, shall cease and desist from:

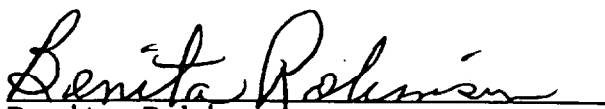
1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented; and

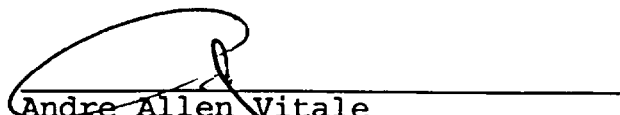
2. Failing to pay, when due, the full purchase price of livestock.

Respondent Benita Robinson is suspended as a registrant under the Act for a period of five (5) weeks.

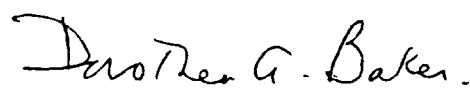
The provisions of this order shall become effective on the sixth day after service of this order on the respondent.

Copies of this decision shall be served on the parties.

  
Benita Robinson  
Respondent

  
Andre Allen Vitale  
Attorney for Complainant

Issued this 6<sup>th</sup> day of May, 1997

  
\_\_\_\_\_  
Administrative Law Judge